

E-Filed 1/15/13

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CHRISTOPHER JAMES CASTILLO,

No. C 12-5746 RS (PR)

Plaintiff,

**ORDER DISMISSING COMPLAINT
WITH LEAVE TO AMEND**

v.

SAN QUENTIN STATE PRISON, et al.,

Defendants.

This federal civil rights action was transferred here from the District of New Mexico. Now that the action is here, plaintiff must refile his complaint using the form used in the Northern District of California, a copy of which will be sent to him. **Accordingly, the complaint is DISMISSED with leave to file an amended complaint within 30 days from the date of this order.** The amended complaint must include the caption and civil case number used in this order (12-5746 RS (PR)) and the words FIRST AMENDED COMPLAINT on the first page. Because an amended complaint *completely* replaces the previous complaints, plaintiff must include in his first amended complaint *all* the claims he wishes to present and *all* of the defendants he wishes to sue. *See Ferdik v. Bonzelet*, 963 F.2d 1258, 1262 (9th Cir. 1992). Any claims not raised in the first amended complaint will


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1 be deemed waived. Plaintiff may *not* incorporate material from the prior complaint by
2 reference. Failure to file an amended complaint in accordance with this order will result in
3 dismissal of this action without further notice to plaintiff.

4 It is plaintiff's responsibility to prosecute this case. Plaintiff must keep the Court
5 informed of any change of address by filing a separate paper with the clerk headed "Notice
6 of Change of Address." He must comply with the Court's orders in a timely fashion or ask
7 for an extension of time to do so. Failure to comply may result in the dismissal of this
8 action pursuant to Federal Rule of Civil Procedure 41(b).

9 **IT IS SO ORDERED.**

10 DATED: January 15, 2013

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12 RICHARD SEEBORG
13 United States District Judge
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United States District Court
For the Northern District of California